

Feb-12-1980

FILE: Minutes File

DESCRIPTION:

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 12, 1980
AT 8:30 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Wilson at 8:54 a.m. with Councilmembers Cleator and Killea not present. A recess was called by Mayor Wilson at 9:15 a.m. into Executive Session on pending litigation, 11th floor Conference Room. Mayor Wilson reconvened the meeting at 10:16 a.m. with Councilmember Killea not present. A recess was called by Mayor Wilson at 11:45 a.m. to reconvene at 2:00 p.m.

Mayor Wilson reconvened the meeting at 2:24 p.m. with Councilmembers Lowery, Schnaubelt and Stirling not present. A recess was called by Mayor Wilson at 2:45 p.m. Mayor Wilson reconvened the meeting at 4:13 p.m. The meeting was adjourned by Mayor Wilson at 4:42 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Wilson-present.

(1) Councilmember Mitchell-excused by R-251223 (for vacation).

(2) Councilmember Cleator-present.

(3) Councilmember Lowery-present.

(4) Councilmember Williams-present.

(5) Councilmember Schnaubelt-present.

(6) Councilmember Gotch-present.

(7) Councilmember Stirling-present.

(8) Councilmember Killea-present.

Clerk-Abdelnour (bb,kb)

Feb-12-1980 ITEM-300:

FILE: Minutes File

DESCRIPTION:

Clerk Abdelnour called the roll: Mayor Wilson-present. Councilmember Mitchell-present. Councilmember Cleator-not present. Councilmember Lowery-presen

Councilmember Williams-present. Councilmember Schnaubelt-present.

Councilmember Gotch-present. Councilmember Stirling-present. Councilmember Killea-not present.

Mayor Wilson welcomed Captain Loyer Brandon Claeysen, captain of the Peruvian

school ship "Independencia", and Jose Tenorio, Consul General of Peru in Los Angeles, and Lt. Commander Donald Sootkoos, U. S. Navy.

Feb-12-1980 * ITEM-59:

FILE: MEET

DESCRIPTION:

(O-80-164) Amending Chapter II, Article 2, Division 1 of the San Diego Municipal Code by AMENDING RULES 3, 7, 14, 17, 27 and 30 of SECTION 22.0101 relating to the PERMANENT RULES OF THE COUNCIL. (Reviewed by the RULES COMMITTEE on 1-28-80. Recommendation to INTRODUCE. Districts 4, 5 and 7 voted yea. Districts 3 and Mayor not present.)

COUNCIL ACTION: (Tape location: 000).

Continued as Unfinished Business to February 19, 1980.

Feb-12-1980 ITEM-330:

FILE: ZONE

DESCRIPTION:

Matter of REZONING a portion of LOT 21, CARUTHER'S ADDITION, MAP-27 (approximately 1.19 acres), located on the south side of Logan Avenue between 41st Street and 43rd Street, in the Southeast San Diego Community Plan area, from ZONES R-1-5 and C to ZONE R-2A. (DISTRICT-4) (CASE-4-80-1)

Subitem-A: (R-80-1280)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-79-09-44 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council; and

Subitem-B: (O-80-216)

INTRODUCTION of an ORDINANCE for R-2A Zoning.

COUNCIL ACTION: (Tape location: a014-a016).

Subitem-A adopted as Resolution R-251170.

Subitem-B introduced, to be adopted February 25, 1980.

Hearing began 9:07 a.m. Hearing halted 9:09 a.m.

MOTION BY WILLIAMS TO CLOSE THE HEARING, ADOPT (A) AND INTRODUCE (B).

Second

by Gotch. Passed by the following vote: Mitchell-yea. Cleator-yea.

Lowery-yea. Williams-yea. Schnaubelt-yea. Gotch-yea. Stirling-yea.

Killea-yea. Mayor Wilson-yea.

Feb-12-1980 ITEM-331:

FILE: ZONE

DESCRIPTION:

Matter of REZONING LOT 16, BLOCK 96, MIDDLETOWN and portions of OLIVE and HORTON STREETS CLOSED (approximately 6,600 square feet), located on the east side of Reynard Way between Arroyo Drive and Eagle Street, in the Uptown Community Plan area, from ZONE R-1-5 to ZONE R-2A. (DISTRICT-8) (CASE-12-80-2)

Subitem-A: (R-80-1278)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-79-10-07 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council; and

Subitem-B: (O-80-214)

INTRODUCTION of an ORDINANCE for R-2A Zoning.

COUNCIL ACTION: (Tape location: a016-a018).

Subitem-A adopted as Resolution R-251171.

Subitem-B introduced, to be adopted February 25, 1980.

Hearing began 9:09 a.m. Hearing halted 9:11 a.m.

MOTION BY KILLEA TO CLOSE HEARING, ADOPT (A) AND INTRODUCE (B). Second by

Lowery. Passed by the following vote: Mitchell-yea. Cleator-yea.

Lowery-yea. Williams-yea. Schnaubelt-yea. Gotch-yea. Stirling-yea.

Killea-yea. Mayor Wilson-yea.

Feb-12-1980 ITEM-332:

FILE: ZONE

DESCRIPTION:

Matter of REZONING portions of BAY TERRACE UNIT NO. 15, MAP-7765; BAY TERRACE UNIT NO. 17, MAP-7767; BAY TERRACE UNIT NO. 18, MAP-7768 and QUARTER SECTION

29, RANCHO DE LA NACION, MAP-166 (approximately 54.4 acres), located on the northwest side of the South Bay Freeway between Nebraska Avenue and Alta View Drive, in the South Bay Terraces Community Plan area, from ZONE R-2A (portions in HR) to ZONE R-1-5. (DISTRICT-4) (CASE-32-80-1)

Subitem-A: (R-80-1277)

Adoption of a RESOLUTION certifying that the information contained in

SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT EIR-76-09-49S14 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said supplemental report has been reviewed and considered by the Council;

Subitem-B: (O-80-213)

INTRODUCTION of an ORDINANCE for R-1-5 Zoning; and

Subitem-C: (R-80-)

Adoption of a RESOLUTION containing the findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT EIR-76-09-49S14.

COUNCIL ACTION: (Tape location: a018-a021).

Subitem-A adopted as Resolution R-251172.

Subitem-B introduced, to be adopted February 25, 1980.

Subitem-C adopted as Resolution R-251173.

MOTION BY WILLIAMS TO CLOSE HEARING, ADOPT (A) AND (C) AND INTRODUCE (B).

Second by Gotch. Passed by the following vote: Mitchell-yea. Cleator-yea.

Lowery-yea. Williams-yea. Schnaubelt-yea. Gotch-yea. Stirling-yea.

Killea-yea. Mayor Wilson-yea.

Feb-12-1980 ITEM-333:

FILE: MEET

DESCRIPTION:

Matter of the RECOMMENDATIONS of the SALARY SETTING COMMISSION of the City.

COUNCIL ACTION: (Tape location: a023-a039).

Adopted as Resolution R-251174.

MOTION BY WILLIAMS TO ADOPT THE RECOMMENDATIONS OF THE SALARY SETTING

COMMISSION. Second by Gotch. Passed by the following vote: Mitchell-yea.

Cleator-yea. Lowery-yea. Williams-yea. Schnaubelt-yea. Gotch-yea.

Stirling-yea. Killea-yea. Mayor Wilson-yea.

Feb-12-1980 ITEM-334:

FILE: PERM CCP-15

DESCRIPTION:

(R-80-) (Continued from the Meeting of January 15, 1980 to allow time for

Planning Department to complete vacancy survey.) APPEAL of PAULINE D. PARR from the decision of the PLANNING COMMISSION in APPROVING CONDOMINIUM CONVERSION PERMIT CCP-15, which proposes the conversion of existing apartment units (RIVIERA DE VILLE) to condominiums. The subject property is located on the southeast corner of Armstrong Street and Armstrong Place in the R-3 ZONE and within the boundaries of the Clairemont Mesa Community Plan, and is more particularly described as LOTS 72 through 74, PUEBLO VISTA UNIT NO. 2, MAP-5470. (DISTRICT-5) (CCP-15)

Today's action is adoption of a RESOLUTION granting the appeal and denying the permit, or denying the appeal and granting the permit with appropriate findings to support Council action.

NOTE: Hearing open, no testimony taken on 1-15-80.

COUNCIL ACTION: (Tape location: a051-a111).

Continued to March 11, 1980, 2:00 p.m.

Hearing began 10:44 a.m. Hearing halted 11:43 a.m.

Testimony in favor by Elliott Goldman, Timothy Fields, Mr. Harris, Kenneth Dellis, Linda Myers, Pauline Parr, and Gertrude Evans. Testimony in opposition by Noel Neudeck.

Motion by Cleator to extend proponents' time from 15 to 20 minutes. Second by Lowery. Passed by the following vote: Yeas-1, 2, 3, 4, 5, 6, 7, 8, M.

Motion by Gotch to direct the City Attorney to prepare an Ordinance for a 45-day condominium conversion moratorium, to be brought back before Council on February 19, 1980, as an emergency Ordinance. Second by Mitchell Failed by the following vote: Yeas-1, 4, 6, 8. Nays-2, 3, 5, 7, M.

Motion by Gotch to halt condominium conversion for 45 days. Second by Mitchell. Motion withdrawn.

MOTION BY KILLEA TO CONTINUE TO MARCH 11, 1980, 2:00 P.M. AT MAYOR WILSON'S

REQUEST. Second by Stirling. Passed by the following vote: Mitchell-yea.

Cleator-nay. Lowery-nay. Williams-yea. Schnaubelt-nay. Gotch-yea.

Stirling-yea. Killea-yea. Mayor Wilson-yea.

Feb-12-1980 ITEM-335:

FILE: MEET

DESCRIPTION:

(R-80-1337) Authorizing the ISSUANCE, SALE AND DELIVERY of the City of San Diego HOSPITAL REVENUE BONDS (Mercy Hospital and Medical Center, San Diego), SERIES A, and the EXECUTION and DELIVERY of an INDENTURE, LOAN AGREEMENT, CONTRACT OF PURCHASE, OFFICIAL STATEMENT and certain other actions in connection therewith.

NOTE: See Item 336.

COUNCIL ACTION: (Tape location: a039-a051).

Adopted as Resolution R-251175.

MOTION BY LOWERY TO ADOPT. Second by Stirling. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-yea. Schnaubelt- yea.
Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

Feb-12-1980 ITEM-336:

FILE: MEET

DESCRIPTION:

(R-80-1352) Authorizing the CITY ATTORNEY or his representative to TRAVEL to New York, N.Y. on or about February 27, 1980, for the purpose of affecting delivery of necessary instruments and participating in the SALE of THE CITY OF SAN DIEGO HOSPITAL REVENUE BONDS (Mercy Hospital and Medical Center, San Diego) SERIES A, in the amount of \$29,000,000. Cost of travel and any expenses incident thereto shall be reimbursed by Mercy Hospital pursuant to AGREEMENT approved concurrently with this resolution and that agreement approved by Resolution No. R-250519 adopted October 29, 1979.

NOTE: See Item 335.

COUNCIL ACTION: (Tape location: a021-a023).

Adopted as Resolution R-251176.

MOTION BY STIRLING TO ADOPT. Second by Gotch. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-yea. Schnaubelt- yea.
Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

Feb-12-1980 ITEM-337:

FILE: PERM CCP-1

DESCRIPTION:

(Trailed as unfinished business from the Meeting of January 22 to January 28, 1980. Continued from the Meeting of January 28, 1980 at applicant's request.) APPEAL of TIMOTHY E. FIELDS, from the decision of the PLANNING COMMISSION in APPROVING TENTATIVE SUBDIVISION MAP NO. TM-79-451 and CONDOMINIUM CONVERSION PERMIT NO. CCP-1, which proposes the conversion of existing apartment units to condominiums. The subject property is located on the north west corner of Riley Street and Colusa Street, in the R-3 ZONE and within the boundaries of the Kearny Vista Community Plan, and is more particularly described as LOTS 9 and 10, BLOCK 1, SILVER TERRACE ADDITION, AMENDMENT MAP-695. (DISTRICT-6) (TM-79-451) (CCP-1)

Subitem-A: (R-80-)

Adoption of a RESOLUTION granting the appeal and denying the permit, or denying the appeal and granting the permit with appropriate findings to support Council action; and

Subitem-B: (R-80-)

Adoption of a RESOLUTION granting the appeal and denying the tentative map, or denying the appeal and granting the tentative map with appropriate findings to

support Council action.

NOTE: Hearing open, no testimony taken on 1-28-80.

COUNCIL ACTION: (Tape location: b003).

Subitem-A continued to March 11, 1980.

Subitem-B filed.

MOTION BY WILLIAMS TO CONTINUE SUBITEM A FOR DISCUSSION OF PROPOSED CHANGES IN

CONDOMINIUM ORDINANCE AND FILE SUBITEM B AS THE APPELLANT WITHDREW THE APPEAL.

Second by Killea. Passed by the following vote: Mitchell-not present.

Cleator-nay. Lowery-not present. Williams-yea. Schnaubelt-nay. Gotch-yea.

Stirling-yea. Killea-yea. Mayor Wilson-yea.

Feb-12-1980 ITEM-338:

FILE: ZONE Z-denied 2-12-80

DESCRIPTION:

Matter of REZONING LOT 62, COLLEGE AVENUE TRACT NO. 3, MAP-2518

(approximately

6,400 square feet), located on the west side of College Avenue between Malcolm Drive and University Avenue, in the Mid-City Community Plan area, from ZONE R-2 to ZONE CO. (DISTRICT-7) (CASE-44-79-1)

Subitem-A: (R-80-1279)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-79-09-02 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council; and

Subitem-B: (O-80-215)

INTRODUCTION of an ORDINANCE for CO Zoning.

COUNCIL ACTION: (Tape location: b007).

Subitem-A adopted as Resolution R-251179

Subitem-B filed.

Hearing began 2:31 p.m. and halted 2:44 p.m.

Testimony in favor by Alfred Fanciullo.

Testimony in opposition by Leonard Cordaro, Mark Dixon and Patricia Smith.

MOTION BY STIRLING TO CLOSE THE HEARING, ADOPT SUBITEM A AND FILE SUBITEM B

. Second by Mitchell. Passed by the following vote: Mitchell-yea.

Cleator-yea. Lowery-not present. Williams-yea. Schnaubelt-not present.
Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

Feb-12-1980 ITEM-339:

FILE: PERM CCP-16

DESCRIPTION:

(R-80-) (Continued from the Meeting of January 15, 1980 to allow time for the Planning Department to complete vacancy survey.) APPEALS of JOSEPHINE and DONALD B. CURTIS et al, from the decision of the PLANNING COMMISSION in GRANTING CONDOMINIUM CONVERSION PERMIT CCP-16, which proposes the conversion of existing apartment units (VILLA WEST) to condominiums. The subject property is located on the north side of Beadnell Way between Cannington Drive and Charger Boulevard, in the R-3 ZONE and within the boundaries of the Clairemont Mesa Community Plan, and is more particularly described as LOTS 1 through 4, BALBOA TOWNHOUSES RESUBDIVISION NO. 1, MAP-5622. (DISTRICT-5) (CCP-16)

Today's action is adoption of a RESOLUTION granting the appeal and denying the permit, or denying the appeal and granting the permit with appropriate findings to support Council action.

NOTE: Hearing open, no testimony taken on 1-15-80.

COUNCIL ACTION: (Tape location: b030).

Continued to March 11, 1980.

Hearing began 4:14 p.m. and halted 4:20 p.m.

Testimony in opposition to the continuance by Jeffrey Mason.

Testimony in favor of the continuance by Bill Vivian, Timothy Fields and Noel Nudeck.

MOTION BY STIRLING TO CONTINUE ITEMS 339 AND 340 TO MARCH 11, 1980
AFTER

DISCUSSION OF PROPOSED CHANGES IN THE CONDOMINIUM ORDINANCE. Second
by

Killea. Passed by the following vote: Mitchell-not present. Cleator-nay.

Lowery-nay. Williams-yea. Schnaubelt-nay. Gotch-yea. Stirling-yea.

Killea-yea. Mayor Wilson-yea.

Feb-12-1980 ITEM-340:

FILE: PERM CCP-18

DESCRIPTION:

(R-80-) (Continued from the Meeting of January 15, 1980 to allow time for the Planning Department to complete vacancy survey.) APPEAL of BILL DAVID VIVIAN from the decision of the PLANNING COMMISSION in APPROVING CONDOMINIUM CONVERSION PERMIT CCP-18, which proposes the conversion of existing apartment

units (GENESEE GARDEN VILLAS) to condominiums. The subject property is located on the north and south sides of Hummingbird Lane and Nightingale Way between I-805 and Meadowlark Drive, in the R-4 ZONE and within the boundaries of the Serra Mesa Community Plan, and is more particularly described as LOTS 1 through 49, and a portion of PARCEL B, GENESEE GARDENS, MAP-5322. (DISTRICT-5) (CCP-18)

Today's action is adoption of a RESOLUTION granting the appeal and denying the permit, or denying the appeal and granting the permit with appropriate findings to support Council action.

NOTE: Hearing open, no testimony taken on 1-15-80.

COUNCIL ACTION: (Tape location: b030).

Continued to March 11, 1980.

MOTION BY STIRLING TO CONTINUE ITEMS 339 AND 340 TO MARCH 11, 1980 FOR DISCUSSION OF PROPOSED CHANGES IN CONDOMINIUM ORDINANCE. Second by Killea.

Passed by the following vote: Mitchell-not present. Cleator-nay.

Lowery-nay. Williams-yea. Schnaubelt-nay Gotch-yea. Stirling-yea.

Killea-ye

Mayor Wilson-yea.

Feb-12-1980 ITEM-S500:

FILE: MEET

DESCRIPTION:

(R-80-1283) (Continued from the Meetings of January 14 and February 4, 1980 at Councilmember Mitchell's request for full Council.)

Matter of discussion of the following NOMINEES for appointment to FILL THE VACANCY on the SAN DIEGO TRANSIT CORPORATION BOARD OF DIRECTORS:

Name	Nominated by
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Gordon Johnson	Councilmember Mitchell & Mayor Wilson
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Gerald Treadway	Councilmember Stirling
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Today's action is adoption of a RESOLUTION making the appointment.

COUNCIL ACTION: (Tape location: a009-a014).

Adopted as Resolution R-251177.

MOTION BY STIRLING TO NOMINATE MR. GORDON JOHNSON. Second by Gotch.

Passed by

the following vote: Mitchell-yea. Cleator-yea. Lowery-yea. Williams-yea.

Schnaubelt-yea. Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

Feb-12-1980 ITEM-UC-3:

FILE: MEET

DESCRIPTION:

(R-80-1451) A Resolution presented to the City Council with UNANIMOUS CONSENT:

Excusing Councilman William Cleator from all Council and Committee meetings on

February 6-7, 1980, due to illness.

COUNCIL ACTION: (Tape location: a111-a112).

Adopted as Resolution R-251178.

MOTION BY KILLEA TO ADOPT. Second by Mitchell. Passed by the following vote:

Mitchell-yea. Cleator-yea. Lowery-yea. Williams-yea. Schnaubelt- yea.

Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-yea.

Feb-12-1980 ADJOURNMENT:

FILE: Minutes File

DESCRIPTION:

Meeting adjourned at 4:42 p.m.